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1615

DANN DORFMAN HERRELL AND SKILLMAN

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DONALD R. PIPER, JR.
VINCENT T. PACE
JOHN B. BERRYHILL, Ph.D.
STEPHEN M. CLAND
KATHLEEN D. RIGAUT, Ph.D.
CLEMENT A. BERARD, JR.
NIELS HAUN, Ph.D.
CHRISTOPHER A. ROTHE

OF COUNSEL
JOHN S. CHILD, JR.

PATENT AGENTS
JENNIFER E. LANGENBERGER
TONG LI

TECHNICAL ADVISORS
ROBERT C. NETTER, JR., Ph.D.
MICHAEL G. MAUR, Ph.D.



A PROFESSIONAL CORPORATION
SUITE 2400
1601 MARKET STREET
PHILADELPHIA, PA 19103-2307
TELEPHONE (215) 563-4100
FACSIMILE (215) 563-4044

COUNSELORS AT LAW
ESTABLISHED 1873

PATENT, TRADEMARK
AND COPYRIGHT LAW
AND RELATED CAUSES

PROSECUTION
LICENSING
LITIGATION
DISPUTE RESOLUTION

C. MARSHALL DANN (1977-2008)

December 17, 2003

TMJ & MY EARS ONLY

Re: United States Patent Application Serial No. 09/914,015
Filing Date: August 21, 2001
National Phase Filing in the United States of
International Patent Application No. PCT/EP00/01357
Entitled: **PAINLESS AND TISSUE SAVING INJECTION OF MEDICAMENTS**
Applicants: Bernd H. Meier and Iris Jankowiak-Meier
International Filing Date: February 18, 2000
Our File No. von Kreistler.015

RECEIVED
DEC 22 2003
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CERTIFICATE OF MAILING BY FIRST CLASS MAIL UNDER 37 C.F.R. § 1.8

I hereby certify that Applicants' Response To United States Patent and Trademark Office Examiner's Action Under 37 C.F.R. § 1.111 is being deposited with the United States Postal Service as First Class Mail under 37 C.F.R. § 1.8, in an envelope properly addressed to **MAIL STOP - RESPONSES - NO FEE**, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on December 17, 2003.

John S. Child, Jr.
Typed Name of Person Mailing Papers and Fees

John S. Child, Jr.
Signature of Person Mailing Papers and Fees

Authorization To Charge Deposit Account

In the event a fee is required, the Commissioner is authorized to charge it to the account of the undersigned attorneys, Account No. 04-1406. A duplicate copy of this sheet is enclosed for fee-processing if necessary.

DANN DORFMAN HERRELL AND SKILLMAN
A Professional Corporation
John S. Child, Jr.
John S. Child, Jr.
PTO Registration No. 28, 833

Enclosures:

Certificate of Mailing by First Class Mail Under 37 CFR § 1.8
Authorization to Charge Deposit Account
Applicants' Response To United States Patent and Trademark Office
Examiner's Action Under 37 C.F.R. § 1.111
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02/18/2004 GANTHONY 00000002 041406 09914015
01 FC:2232 420.00 CR

STATUS AND ENTITY
BRANCH

2001 MAR 22 PM 4:27

PATENT

Application No. 09/914,015; Filing Date 01/28/2002
Examiner: Carlos A. Azpuru; Art Unit: 1615
Attorney Docket von Kreis.015

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of
Applicants: Bernd H. Meier and
Iris Jankowiak-Meier

Assignee: B. Braun Melsungen AG
Serial No.: 09/914,015

Examiner: Carlos A. Azpuru

Art Unit: 1615

Filing Date: August 21, 2001

Based on PCT/EP00/01357
Filing Date: February 18, 2000

Title: **PAINLESS AND TISSUE SAVING
INJECTION OF MEDICAMENTS**

MAIL STOP 16

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICANTS' REQUEST FOR REFUND UNDER 37 CFR § 1.26

Dear Sir:

I **Refund Requested**

Applicants request a refund of \$420.00 for an extension fee of two months charged to Deposit Account 04-1406 of Dann Dorfman Herrell and Skillman, the undersigned attorney's law firm on February 18, 2004.

STATUS AND ENTITY
BRANCH

PATENT

Application No. 09/914,015; Filing Date 01/28/2002
2004 MAR 22 PM 4:27 Examiner: Carlos A. Azpuru; Art Unit: 1615
Attorney Docket von Kreis.015

II Background

On September 17, 2003, the Examiner issued an Action which included a restriction requirement. In that Action, a copy of which is attached hereto as EXHIBIT A, the Examiner provided a shortened statutory period for Applicants' reply of three months, i.e., to December 17, 2003.

Applicants' Response, a copy of which is attached hereto as EXHIBIT B, was filed on December 17, 2003, with a Certificate of Mailing Under 37 CFR § 1.8. Accordingly, Applicants' Response was within the deadline for reply in the Action.

On February 18, 2004, a \$420.00 extension fee was charged in connection with the referenced Application Serial No. 09/914,015. Fee Code 2252 pertains to "Extension for response within second month." A copy of the page 1 of the Deposit Account Statement dated February 2004 is attached hereto as EXHIBIT C. No request for extension of time was made by Applicants, nor was an extension required. Accordingly, the extension fee was charged in error.

STATUS AND ENTITY
BRANCH

PATENT


Application No. 09/914,015; Filing Date 01/28/2002
2004 MAR 22 PM 4:27 Examiner: Carlos A. Azpuru; Art Unit: 1615
Attorney Docket von Kreis.015

III Conclusion

Applicants request that Applicants' law firm Deposit Account No. 04-1406 be credited for the \$420.00 extension fee inadvertently charged to Applicants, and that the credit reference Application No. 09/914,015, Attorney Docket von Kreis.015.

Respectfully submitted,

DANN DORFMAN HERRELL AND SKILLMAN
A Professional Corporation


John S. Child, Jr.

PTO Registration No. 28,833
1601 Market Street, Suite 2400
Philadelphia, PA 19103-2307
TELEPHONE: 215-563-4100
FACSIMILE: 215-563-4044
Attorneys for von Kreisler Selting Werner

Date: March 17, 2004



UNITED STATES PATENT AND TRADEMARK OFFICE AND ENTRY

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2004 MAR 22 PM 4:27

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,015	01/28/2002	Bernd H. Meier	VON KREISLER.015	8627

110 7590 09/17/2003

DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA, PA 19103-2307

EXAMINER

AZPURU, CARLOS A

ART UNIT

PAPER NUMBER

1615

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,015

Examiner

Carlos A. Azpuru

Applicant(s)

MEIER ET AL

Art Unit

1615

STATUS AND ENTITY
BRANCH

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address - 4: 27

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-49, 51, 52, 54-76, 78-112 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 28-49, 51, 52, 54-76, 78-112 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

STATUS AND E
BRANCH

The United States Patent and Trademark Office acknowledges receipt of the following documents:

In re the Application of:

Bernd H. Meier and
Iris Jankowski-Meier

Assignee: B. Braun Melsungen AG

Serial No. 09/014,015

Filing date: August 21, 2001

Title: PAINLESS AND TISSUE SAVING
INJECTION OF MEDICAMENTS

☐ Certificate of Mailing Under 37 C.F.R. § 1.8(a)
☐ Authorization To Charge Deposit Account (original + 1)

☐ Applicants' Response To United States Patent
and Trademark Office Examiner's Action
Under 37 C.F.R. § 1.111

2001 MAR 22 PM

Respectfully submitted,

John S. Child, Jr.
PTO Registration No. 28, 833

The United States Patent and Trademark Office is respectfully requested to place its STAMP on this postal card and place it in the outgoing mail.

Applicants' Response mailed on 03/22/01 (on Kretzler.015)

STATUS AND ENTITY
BRANCH

2004 MAR 22 PM 4:28

PATENT

Application No. 09/914,015; Filing Date 01/28/2002
Examiner: Carlos A. Azpuru; Art Unit: 1615
Attorney Docket von Kreisler.015

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Applicants: Bernd H. Meier and
Iris Jankowiak-Meier

Assignee: B. Braun Melsungen AG
Serial No.: 09/914,015

Examiner: Carlos A. Azpuru

Filing Date: August 21, 2001

Art Unit: 1615

Based on PCT/EP00/01357
Filing Date: February 18, 2000

Title: **PAINLESS AND TISSUE SAVING
INJECTION OF MEDICAMENTS**

MAIL STOP - RESPONSES - NO FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**APPLICANTS' RESPONSE
TO UNITED STATES PATENT AND TRADEMARK OFFICE
EXAMINER'S ACTION UNDER 37 C.F.R. § 1.111**

Dear Sir:

I Introduction

Applicants' Response is to an Examiner's Action dated September 17, 2003. In the Action, the Examiner provided a shortened statutory period for reply of three months from the mailing date of the Action, i.e., to December 17, 2003. Accordingly, this Response is timely as it is being filed on December 17, 2003, with a Certificate of Mailing Under 37 C.F.R. § 1.8.

STATUS AND ENTITY
BRANCH

2004 MAR 22 PM 4: 28

PATENT

Application No. 09/914,015; Filing Date 01/28/2002
Examiner: Carlos A. Azpuru; Art Unit: 1615
Attorney Docket von Kreisler.015

II Remarks

In the Action, Applicants were required to elect a single invention from the following seven (7) Groups of claims:

Group I, claims 28-29, drawn to a method for a painless injection of an aqueous solution.

Group II, claim 30, drawn to a method for tissue-saving injection.

Group III, claims 31-49, 52, 54-57, 78 and 79, drawn to a kit.

Group IV, claims 58-77, drawn to an injectable aqueous solution and use thereof.

Group V, claims 80-81, 84-87, 96-101 and 110, drawn to a method of reducing vascular damage.

Group VI, claims 82, 88-91, 102, 111, drawn to a method of reducing pain.

Group VII, claims 83, 92-95, 103-109 and 112, drawn to a method of reducing diffusion.

Applicants select the Group IV set of claims 58-77, drawn to an injectable aqueous solution and use thereof, without prejudice to the filing of claims from Groups I-III and V-VII in one or more divisional applications.

STATUS AND ENTITY
BRANCH

PATENT

Application No. 09/914,015; Filing Date 01/28/2002

Examiner: Carlos A. Azpuru; Art Unit: 1615

Attorney Docket von Kreisler.015


2004 MAR 22 PM 4:28

III Conclusion

It is believed that the above constitutes a complete response and that all matters raised in the Action have been addressed. A Notice of Allowance in the next Office Action is therefore requested. The Examiner is requested to telephone the undersigned about any matters that can reasonably be expected to be resolved in a telephone interview and are believed to impede the allowance of the pending claims.

Respectfully submitted,

DANN DORFMAN HERRELL AND SKILLMAN
A Professional Corporation


John S. Child, Jr.

PTO Registration No. 28,833

1601 Market Street, Suite 2400

Philadelphia, PA 19103-2307

TELEPHONE: 215-563-4100

FACSIMILE: 215-563-4044

Attorneys for von Kreisler Seiting Werner

Date: December 17, 2003

Enclosures: Certificate of Mailing Under 37 C.F.R. § 1.8
Authorization To Charge Deposit Account (original and 1 copy)
Applicants' Response To United States Patent and Trademark Office
Examiner's Action Under 37 C.F.R. § 1.111
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UNITED STATES
PATENT AND
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STATUS AND ENTITY
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MONTHLY STATEMENT
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2004 MAR 22 PM 4:28

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DANN DORFMAN HERRELL & SKILLMAN, P.C.
MARY JO MARCHEK
1601 MARKET STREET
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FINA

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Page 1

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